



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

MAR 31 2010

MEMORANDUM FOR ADMINISTRATIVE ASSISTANT TO THE UNDER
SECRETARY OF THE NAVY

SUBJECT: Establishment of the Board of Advisors to the Presidents of the Naval
Postgraduate School and the Naval War College

Your request to establish the Board of Advisors to the Presidents of the Naval
Postgraduate School and the Naval War College is approved.

Procedurally, my Advisory Committee Management Officer (ACMO) is required
by law to consult with the Office of the General Counsel of the Department of Defense
and the Committee Management Secretariat (CMS) for the General Services
Administration (GSA) on the Board's charter and the termination of the Board of
Advisors to the President Naval Postgraduate School.

Following the CMS consultation my ACMO, pursuant to 41 CFR § 102-3.65,
must publish a notice in the Federal Register announcing establishment of the new Board
and termination of the earlier Board. The notice for the new Board must appear for at
least 15 calendar days before the ACMO can file the charter with the congressional
oversight committees and the Library of Congress.

To help facilitate the transition, we will formally delay the disestablishment of the
Board of Advisors to the President Naval Postgraduate School until April 30, 2010. As
for the new Board, we will file the charter as soon as the law allows us.

Please note that prior to the new Board's charter being filed, the new Board is
prohibited from conducting any official business. In addition, the Secretary of the
Navy's nominations for the new Board, to include its subcommittees, will have to be
coordinated with Ms. Michele Jones (Special Assistant to the Secretary of Defense for
White House Liaison) prior to the Secretary of the Navy's formal nomination to the
Secretary of Defense.

Pursuant to DoD policy, the Secretary of the Navy, as the DoD Sponsor for the
Board, exercises certain regulatory authorities on behalf of the Department of Defense.
Specifically, the Secretary of the Navy is delegated the authority to:

- a. Nominate, for Secretary of Defense or Deputy Secretary of Defense approval,
qualified individuals to serve as Board and subcommittee members;




- b. Appoint the Board's Designated Federal Officer (DFO);
- c. Provide adequate support to the Board, to include logistical, financial and staffing support;
- d. Ensure that the Board's advice or recommendations are not inappropriately influenced by DoD personnel or by any special interests, but will instead be the result of the Board's independent judgment;
- e. Determine, in consultation with the Department of the Navy General Counsel, when Board meetings may be closed or partially closed to the public under the authority of 5 U.S.C. § 552b(c); and
- f. Act upon the advice or recommendations emanating from the Board.

In view of the new Board's geographic nature, it will be difficult for the Board's DFO to exercise his or her statutory and regulatory responsibilities to attend all Board and subcommittee meetings. Therefore, as an exception to DoD policy, the Secretary of the Navy is authorized to appoint additional DFOs; one for each of the permanent subcommittees – the Naval Postgraduate School and the Naval War College.

These additional DFOs, pursuant to existing federal statutes and regulations, shall perform all DFO duties required at a subcommittee meeting. In addition, these individuals must attend the Federal Advisory Committee Act (FACA) Training Course offered by the GSA at the earliest opportunity, and at least once every three years that they remain appointed as the subcommittee's Alternate DFO.

Besides their normal FACA duties, each subcommittee's DFO shall ensure that the findings and recommendations of their respective subcommittees are forwarded to the parent committee for full deliberation under the Government in the Sunshine Act of 1976 (5 U.S.C. § 552(b)). Failure to comply with this regulatory requirement will jeopardize the Board and its subcommittees.

If you should have any questions, please contact my ACMO, Mr. Frank Wilson at (703) 601-6100, or his deputy, Mr. Jim Freeman at (703) 601-6128.


Michael L. Rhodes
Director

Copy to:
SATSD (WHLO)